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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,865	02/04/2004	John Norton	PGI6044P1281US	3747

32116 7590 11/24/2004

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
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EXAMINER

CARRILLO, BIBI SHARIDAN

ART UNIT PAPER NUMBER

1746

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/771,865

Applicant(s)

NORTON ET AL.

Examiner

Sharidan Carrillo

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 08/13/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

Figure 1 should be labeled as prior art since applicant states that the apparatus is disclosed in US patent 5,475,903, as discussed on page 5 of the specification.

Additionally Fig. 1 is described in Publication Us2004/0029479A1.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, it is unclear what is meant by the term "improved". What would one of ordinary skill in the art consider as an "improved particulate capture and retainment. Claim 1 is indefinite because it is unclear what is meant by each of the steps. For example, in step a, it is unclear whether the wipe is positioned over particulates of the hard surface. Does the phrase "positioning said particulate loosening surface" refer to that of the wipe or that of the hard surface. In step b, it is unclear what is meant by "actuating said particulate loosening surface". In step c, said three-dimensional topography lacks positive antecedent basis. It is unclear what is meant by step c. It is unclear whether applicant's intent is capturing the loosened particulates from the hard surface with the surface of the wipe having particulate capture and retainment. In claim

2, said three dimensional surface projections lack positive antecedent basis. Claim 2 is further indefinite because it is unclear what is meant by "a variable level of leading surface contact region as measured across the face of the fabric". The term "fabric" lacks positive antecedent basis. Claim 6 is indefinite for similar reasons.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Qashou et al. (US2004/0128807 A1).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Qashou et al. teach a dual purpose cleaning wipe having an abrasive side that facilitates loosening of particulates and an opposing soft absorbent side capable of picking up liquid and particulates (Abstract, paragraph 11). In reference to three-dimensional topography and claim 3, refer to Figs. 2-5 and paragraph 13. In reference

to the indefiniteness of claim 2, the limitations are met by Qashou et al. In reference to claim 4, refer to paragraph 17.

6. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Keck et al. (US2003/0200991).

In reference to claim 1, Keck et al. teach a dual texture nonwoven wipe having an abrasive surface for scrubbing and an nonabrasive or soft surface for picking up dirt and debris (paragraph 5). In reference to indefiniteness of claim 2, the limitations are met by the teachings of Keck et al. In reference to three-dimensional topography and claim 3, refer to paragraph 88 and Fig. 4. In reference to claim 4, refer to paragraphs 22 and 126. In reference to claim 5 refer to paragraph 125.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Qashou et al. (US2004/0128807).

Qashou fail to teach the specific limitations as recited in claims 5-6. Specifically, Qashou fails to teach durability. However, in paragraph 17, Qashou teaches using the wipe for industrial surfaces. Based on the teachings of Qashou, one would have reasonably expected the wipe to be durable in order to effectively clean industrial surfaces. Qashou fails to teach washing the wipe in a home laundering process. However, one of ordinary skill in the art would have recognized the economical advantages of washing the wipe for purposes of reuse.

11. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keck et al. (US2003/0200991).

Keck fails to teach washing the wipe in a home laundering process. However, one of ordinary skill in the art would have recognized the economical advantages of washing the wipe for purposes of reuse.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Keck et al. teach a three-dimensional nonwoven web. Carter teaches a cleaning article. Fenwick et al. teach a nonwoven web. Maldonado et al. teach a nonwoven material. McDonell teaches a nonwoven abrasive web. Taylor teaches a scouring pad. Snider et al. teaches an nonwoven fabric. Ellis et al. teach an anti-microbial wipe. Carter teaches a nonwoven fabric. Boulanger et al. teach a dual textured nonwoven wipe. McKay teaches a cleaning sheet.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharidan Carrillo whose telephone number is 571-272-1297. The examiner can normally be reached on Monday-Friday, 6:00a.m-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sharidan Carrillo
Primary Examiner
Art Unit 1746

bsc



SHARIDAN CARRILLO
PRIMARY EXAMINER